



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

WHAT HAPPENED TO THE ENGLISH PARISH.¹ I.

IT is often assumed that the New England township was but a reproduction in the new settlement of the immemorial parish organization which the Pilgrim Fathers had known in their English homes. We do not propose to examine with what degree of accuracy such a statement can be made. It is plain that if the English parish crossed in the *Mayflower* it dropped overboard on the passage many of its original characteristics, and started, in its new home, on a separate development of its own. Moreover, the parish that was left in England did not remain unchanged. Without attempting at present any comparison between the two growths, it may be interesting to tell what happened to the English parish.

The history of the parish organization in England during the seventeenth and eighteenth centuries constitutes the greater part of the history, during those years, of English local government. Even as late as the first quarter of the nineteenth century the parish was undoubtedly the most important, as well as the most widely distributed, of local governing authorities. All the other governing bodies put together — the county justices, the municipal corporations and the bewildering variety of boards and commissioners created by special acts of Parliament — hardly numbered one thousand. But right down to the Whig reforms of 1832–35 there were no fewer than “15,635 parishes or places separately relieving their own paupers,” spending a revenue that ran into millions sterling, levying their own rates, appointing and controlling their own officials, keeping their own accounts and exercising, without the smallest control or audit by any government department, a more varied activity in civil administration than has since devolved upon any one authority. The parish as a local governing authority was, in

¹ Copyright, 1902, by Sidney and Beatrice Webb.

fact, ubiquitous. Not only in the rural districts and the unincorporated market towns, but also in every municipal borough and in the City of London itself, the parish possessed, and for the first thirty years of the nineteenth century continued to exercise, local governing powers at least equal in their importance to those of the more dignified chartered bodies.

It is difficult to give any clear description of the legal organization of the parish at that time. It had, from time immemorial, been regarded by Parliament and the law courts as a corporate entity, capable of possessing property, exercising rights and performing duties. But it had not been incorporated by any charter, or established by any act of Parliament. Assumed to have arisen by immemorial prescription, the organization of the parish was admittedly subject to indefinite variation according to local usage; and it had, moreover, been made use of from time to time by civil, ecclesiastical and even military authorities for the performance of new social duties. Each of these grants or evolutions of powers and duties assumed or prescribed for the parish a particular constitution and procedure and a particular set of officers; each, moreover, placed the parish, so far as the particular function was concerned, under a different code of law and in a different series of relationships with external authorities. The result is that at the beginning of the nineteenth century the student finds the powers and functions of parish government divided in a confused and almost inexplicable way between the locally resident justices of the peace, the rector or vicar, the vestry, the churchwardens, the overseers, the surveyors of highways and the constable. Before the reader can intelligently follow the description which we are about to give of the different types and phases of this government between 1660 and 1835, he must have some conception of the relations between these different authorities — we cannot say as they existed in the normal type, for there was no such thing as a normal type, but as they would probably have been defined by the law courts in any case that was brought before them.

I.

The broad base of the parish organization was the periodical meeting of inhabitants "in vestry assembled." This assemblage of heads of households, limited by no exclusive franchise, fettered by no prescribed procedure, had by custom wide and indefinite powers of binding the whole parish by its resolutions and by-laws, and of directing the expenditure of the parish funds. It was entitled, without sanction from any other authority and absolutely without limit, to levy a compulsory tax upon all the occupiers of land or houses within the parish, by what was termed the "church rate," whenever funds were required for the repair of the church, the expenses incidental to the church services or the care of the churchyard, for the maintenance of the stocks, the pound, the fire engine and any other parish property, for the destruction of vermin, the burial of vagrant strangers, the salaries which the vestry had granted to any of its officers and the reimbursement of their expenses, — in short, for practically any public service whatsoever that the vestry chose to allow.

The principal officers of the parish were the churchwardens, who were chosen annually by the vestry in Easter week. It was assumed that each parish should normally elect two churchwardens, and it was customary for the inhabitants to choose one, and the incumbent of the living the other. These officers, who were unpaid, shared with the incumbent the management of the church and churchyard, and in their capacity of ecclesiastical functionaries they had to present themselves before the archdeacon of the diocese, to be by him "admitted" to their office, and nominally had to report to him upon the ecclesiastical affairs of the parish. But the king's courts regarded the churchwardens primarily, if not exclusively, as temporal officers, acting in some sense as general trustees for the inhabitants of the parish. They had the custody of the funds derived from the church rate, which by the order of the vestry they levied, and they were required to submit accounts annually to the vestry, by whom these were audited and passed. Subordinate

to the churchwardens the vestry had entirely under its own control the nucleus of a paid and permanent professional staff. By custom, in many parishes the vestry itself not only could fill vacancies in the freehold offices of sexton and parish clerk, but also could appoint, on such conditions as it chose, a beadle and a vestry clerk, whose stipends were allowed in the churchwardens' accounts. Finally, the churchwardens, the elected servants of the vestry, had been made by statute *ex-officio* overseers, and their coöperation was thus required in the more important acts of poor-law administration.

But the bulk of this poor-law administration fell within the domain of the overseers, whose position as parish officers was in the last degree anomalous. They were appointed, not by the vestry, but by any two justices of the peace. Their accounts had to be passed by two justices. They were placed by statute to some extent under the orders of any justice of the peace. On the other hand, once admitted to office, they were personally liable to be indicted for manslaughter if they refused relief to any destitute person, and were legally entitled to insist that the necessary poor rate for their reimbursement should be signed by the justices, whatever the justices might choose to resolve upon the subject. Exactly what relation the overseers legally held to the vestry was never defined. In most parishes it was customary for the vestry annually to nominate persons to the justices for appointment as overseers, and this nomination was usually but not necessarily adopted. The vestry was supposed to exercise some undefined supervision and authority over the overseers as regards all but urgent poor relief; and some acts of poor-law administration, such as suing to enforce covenants in indentures of parish apprentices, though performed by the overseers, required a formal resolution of the vestry. The churchwardens, moreover, were, as we have mentioned, *ex-officio* overseers, jointly with those expressly appointed, and it is not clear whether any poor rate could be made without their coöperation. Thus the overseer acted under a threefold responsibility: he was amenable to the law, to the justices and to the vestry and churchwardens. Whether the

vestry had any right to examine the overseer's accounts seems highly doubtful, and it is clear that only the justices could disallow any illegitimate items in them.

The surveyors of highways, familiarly known as "waymen" or "waywardens," occupied a comparatively simple position. Here statute law made it clear that the vestry was to nominate annually suitable persons for the office, and that the justices of the peace were to make the appointment, usually, but not necessarily, selecting from the vestry's list. The surveyors, once appointed by the justices, were not under their orders or subject to their control. They were legally bound to maintain all the public highways of the parish and legally empowered to exact the "statute labor," or its money equivalent, from every householder; and they were legally entitled to reimbursement for the balance of their expenditure, through a rate which the justices were obliged to make, irrespective of the desires or commands of the vestry or the opinions of the justices themselves. Moreover, though they had been placed under statutory authority to lay their accounts before the vestry, the only power which the vestry possessed in the matter was that of resolving to depute some one formally to make objection to the allowance of the accounts, when these were subsequently submitted to the justices of the peace.

The constable or constables, together with the borough reeve, headborough and other officers of local police, had originally nothing to do with the vestry and were appointed at the court-leet of the manor. In those parishes in which the manorial courts had fallen into desuetude it became customary for the vestry to nominate suitable persons to the justices for appointment as constables. But whether the vestry nominated or not, it was the duty of the justices to appoint a constable in every parish in which the court-leet failed to make the appointment. Moreover, express provision had been made that the accounts of the constable, by whomsoever he had been nominated or appointed, should be submitted to the vestry, not by the constable himself, but by the overseer (who was not bound to lay his own accounts before the vestry), and in this case the vestry

was explicitly given the right of approval or disapproval of the expenditure.

To sum up, it is clear that, at the beginning of the nineteenth century, the parish was, in regard to the appointment of at least one churchwarden, the expenditure of any sums out of the church rate and the making, assessment and collection of that rate, an entirely independent and self-governing authority. Within this sphere the duly summoned meeting of inhabitants in vestry assembled was supreme, for the reason that it could, without limit or control, allow or disallow any items of the expenditure of its officers and levy an unlimited and unrestricted rate. So far as concerns the rest of the administration of the parish, — the relief of the poor, the repair of the roads and the duties of petty police, — the control of the parish government (if we leave out of account the ulterior liability of the parish officers to be personally indicted for neglect of statutory duties) was shared between the vestry meeting and the locally resident justices of the peace. The principal function of the vestry meeting, as contemplated by eighteenth-century legislation, was that of suggestion and criticism. By its nominations year after year it was to suggest to the justices suitable persons on whom the burden of office might be cast, and by its criticism of the accounts it was to bring to the notice of the justices any malversation or extravagance that needed to be corrected.

This description of the bare legal framework of parish government, complicated though it is, utterly fails in conveying any conception of the complications that really existed. To begin with, local usage or long-continued custom admittedly modified any part of parish government not expressly prescribed by statute; and most parishes had some peculiar customs or usages. A special act of Parliament, moreover, could modify for the parish even statutory provisions, and a special act of Parliament was often obtained. To make confusion worse confounded, parish law at the beginning of the century was not embodied in any authoritative code, and the lawyers differed widely in their interpretation of it. Resort to the law courts was expensive, and therefore unusual, and every parish

accordingly did what seemed right in its own eyes. And, as there was a widely spread impression that a properly convened vestry meeting could discuss any subject, pass any resolution and give any orders that it chose, we need not be surprised at finding parish government twisted and contorted into many different shapes. To form any correct idea of how the 15,000 parishes of England were actually governed, we must extract from vestry minutes and contemporary accounts some picture of the real organization of typical parishes in rural and urban districts respectively. We shall, in these articles, deal only with those parishes—the great majority—in which the meeting of parishioners in vestry assembled continued to be the legal governing body.

II.

The most widely prevalent and also the simplest form of the vestry at the beginning of the century was that which was to be found in the thinly populated rural parish made up of a few dozen families. Here on Easter Monday or Tuesday the clergyman would meet the three or four farmers who occupied land in the parish and who, together with himself and the squire, and possibly the miller, the innkeeper and a small freeholder or two, probably constituted the whole body of persons assessed to the rates. Two of the farmers would have acted, during the preceding year, as churchwardens and overseers of the poor. These would produce to the meeting a rough book in which were entered the rates received and the sums expended on behalf of the parish.¹ On the accounts being mentioned, some

¹ Such a rude cashbook, often containing the entries for a whole century, reveals in inextricable confusion the multifarious duties of the parish organization. Payments for the destruction of sparrows, hedgehogs, foxes or polecats are mixed up with the cost of the sacramental wine; a weekly pension to some aged pauper is intermingled with occasional items for thatching the parish cottages or "church house," or clothing a girl going out to service; "beer for clerk tolling the bell for vestry" may appear next to an annual item of "keeping the book, as usual one shilling"; now and then a letter on a settlement case is entered as "paid for a letter from Manchester, one shilling"; during the winter months or in wet weather allowances appear to nearly all the laborers of the parish, entered in lump sums as "digging stones for the roads," or "paid men and boys for standing in the pound"; sometimes women have been paid for looking after invalids, or a penny

objection might be taken by one of the farmers to this or that payment — there would be grumbling at something spent on new church furniture or at the grant of poor relief to the family of the squire's gamekeeper. But the retiring overseer would explain that the clergyman had insisted on the one, and that a neighboring justice had ordered the other. After the accounts had been passed there might be some conversation, ending in a general understanding as to the need of a load of stones for the repair of a certain parish road, or the amount per week to which the married laborers' wages should be made up out of the poor rate. But the principal business of the meeting, at any rate in the eyes of the retiring overseer, was to find some one to relieve him from the onerous and absolutely unpaid office of collecting the rates and paying the poor. The vestry might nominate a list of suitable persons from whom the justices could appoint two overseers. In the great majority of rural parishes there was, however, but little choice, and in practice the retiring overseer nominated his successor. "I Edmund Miller do recommend William Holiday to serve the office of overseer for the year ensuing" is a typical entry in the parish account book. The largest farmer would probably agree to continue for another year as "people's churchwarden," whilst the clergyman would again name the squire's bailiff as "rector's warden." It would be taken for granted that the weaver, the blacksmith or, in later years, the village schoolmaster would continue in office as parish clerk for the customary stipend, and an elderly laborer or woodman as sexton, whose remuneration consisted in the customary small fees for bell ringing and digging the graves. Formal minute there would be none, unless the clergyman chose to jot down in a copy book kept in the vestry

a head is allowed towards the maintenance of all the children in the parish; there is a journey to the neighboring town to pay the county rate or to conduct a lunatic to the asylum; making out the jury list costs a shilling or two, and "attending with it" at the county town some shillings more; in time of war substitutes for the militia have to be hired, or payments made to militiamen's wives; whilst throughout the whole there run items for churchwardens' expenses at the annual visitation, in waiting upon the justices going to the assizes, or attending an inquest held by the county coroner.

the names of the churchwardens among the totals of the occasional collections made on "Communion Sunday"; or unless the overseer thought fit to interpolate a memorandum of some decision among the figures in his cashbook. At the break-up of the meeting the retiring overseer would take his cashbook to the hall, where the squire and the clergyman, as justices of the peace, would sign the parish accounts. During the rest of the year there might possibly be another vestry meeting, to authorize some unusual expenditure on church or poor, but in most cases any parish business would be transacted by two or three farmers over a pot of beer, or in a chance conversation on the road with the clergyman or the squire.

Rural parishes of larger area or more numerous population had the same simple organization as the smallest hamlet. There might be a few more farmers at the vestry meeting, together with a shopkeeper or two. Instead of concentrating all the work of the parish upon two or three persons as churchwardens and overseers, the vestry would probably nominate, in addition to the people's churchwarden, two of the farmers or shopkeepers to serve as overseers, and two or three more, including perhaps the village innkeeper, to be surveyors of highways. There might be also a parish beadle or constable, and even other petty officers, such as tithingmen or aleconners, inherited from the manorial court. Three separate rates would probably be levied for church, poor and highways, and separate books would be kept by the churchwardens, overseers and surveyors respectively. In many parishes the poor-rate account would not be produced to the vestry, being simply laid by the overseer before the justices in special sessions for allowance. And now and again the justices, in quarter or special sessions, would come to some resolution as to the amount of poor relief to be allowed or the procedure to be adopted with regard to the overseer's accounts, which would be acquiesced in without question, but not strictly observed, by the parish officers.

The organization here described may be taken as typical of the local government of all the strictly rural part of England. There was no formal procedure; no rigid adherence to law;

and absolutely nothing in the nature of central supervision or control. The laborers, who included two-thirds of all the heads of families, were not rated and held no other position in the parish organization than that of recipients of relief. The vestry was, in fact, a little oligarchy, raising its revenues by direct taxation of its own members, exercising by its expenditure autocratic power in parish government, but itself subject to a very real, if somewhat indefinite, control at the hands of the squire, the parson or other neighboring justices of the peace. Moreover, the official relationships between the parties were inextricably interwoven with the economic relationships that existed between the same individuals in their private capacities. The justice of the peace was probably the landlord of every member of the vestry; the overseer and his colleagues in the vestry were the employers of the paupers; and even the clergyman, who was in many respects the most independent person in the village, owed his position to the squire, let his glebe to the overseer and drew his tithes from every occupier of land in the parish. Hence, though there might be grumbling, there could be no effective resistance to the action of the governing group. On the other hand, though there were no minutes, no printed accounts and no reporters for the newspapers, the persons who paid the rates themselves controlled every item of expenditure and knew everything that was going on. Flagrant acts of dishonesty were all but impossible, and public opinion was a real power. In some cases there would be injustice and favoritism to individuals, or a silent encroachment on public rights in common lands, footpaths or charitable endowments. But the worst feature of the system was the total lack of knowledge or capacity to deal with the serious problems involved in the government even of the smallest village. Under the costly parsimony of the rural vestries the highways became impassable and had to be increasingly transferred to turnpike trusts. The unintelligent distribution of poor relief brought about a demoralization of the rural districts that bade fair to bring the nation to ruin. Yet so long as the parish remained strictly rural in character and fairly stationary in population,

there was, generation after generation, no essential change in its local government. Right down to 1835 the vestry, in the vast majority of the English parishes, retained all its important and multifarious duties and continued to be the same little oligarchy of intimate neighbors, tenants of the squire and employers of the paupers, presided over by the clergyman and dominated by the neighboring justices of the peace.

More populous parishes often continued to work harmoniously under no more elaborate organization than that of the rural vestry. So long as the parish contained a population fairly stationary in number and reasonably stable in its economic relationships, the note of voluntary agreement, so typical of the early vestry, continues to run through all its proceedings. "Agreed and consented to by us whose names are hereunto subscribed" is a phrase constantly found preceding the lists of signatures by which the "inhabitants in vestry assembled" were accustomed to authenticate their minutes. And although the lawyers held that the resolutions of a vestry were obligatory on all the inhabitants, whether present or not, it is easy to trace in these proceedings a constant feeling that the matter was one for actual agreement among the parties concerned.

Such a quasi-voluntary local government is well seen in the records of Minchinhampton, an unincorporated ancient market town and centre of the old-fashioned Gloucestershire woolen industry. The vestry minutes of the beginning of the nineteenth century reveal to us that the "vestry" met monthly to relieve the poor, repair the church and mend the roads. But we gather that, at all these routine meetings, the "vestry" consisted of two or three churchwardens and overseers, other inhabitants attending only when the business personally concerned them. Thus the rector, instead of presiding by right of his office, only appears at long intervals, once to protest against a projected removal of the pound, and another time to sign a resolution, along with twenty-three other tithe holders, by which the parish agreed to exonerate his tithes from rates on condition that he accepted a fixed composition. The two or three manufacturers do not bestir themselves to attend at

all, until the high rates of 1800 incite them to discuss ways and means, and to resist the proposed new assessment of their mills. And here and there, throughout the minute book, the attendance of this or that substantial ratepayer appears only when he comes to bargain with the parish about the sum which he will agree to pay for exoneration from his liability to maintain a bastard child. What is perhaps more significant is the evidence, during a whole generation, of the constant desire of the parish officers to fortify themselves on every important step, not merely by the legally authoritative resolution of a duly convened vestry, but by the actual presence and signed agreement of all the principal inhabitants. Whenever the "vestry" is about to make, adjust and finish a rate, embark on legal proceedings, raise men for the militia or revise the discipline and dietary of the workhouse, the meeting is habitually adjourned, and "the inhabitants of the parish" are specially summoned to the adjourned meeting and "earnestly requested to attend so that the general sense of the parish may be known upon the business." On one occasion, when the rector and parish officers had to reorganize the whole poor-law administration of their little kingdom, they plaintively urged, in their notice, that no plan would succeed "unless gentlemen of character and ability in the parish so far take an active part in the parochial concerns as to give a regular, constant and vigorous attention at stated times."

Even so important a town as Brighton continued, down to 1810, to get along on this basis of voluntary agreement. The admirably kept volume of "Minutes of vestries . . . holden for the Town and Parish of Brighthelmstone" makes us intimately acquainted with the "private vestry," meeting monthly at six o'clock at the different taverns in rotation, and attended only by the churchwardens and four overseers. Here they decided all questions of poor relief, managed the workhouse, filled up vacancies in the minor parish offices and even authorized two of their own number to journey into Lancashire to visit the children lately apprenticed to a mill owner. But whenever they needed to make a departure in policy, such

as building a new workhouse, alienating parish property, raising men for the militia, making a new assessment for the parish or getting special constables appointed to prevent theft, we find them summoning what is called a "public vestry," in order to fortify themselves by an expression of agreement of the inhabitants at large. It is part of the same system of government by common consent that, both at Minchinhampton and at Brighton, there is, for years together, no mention of the election of churchwardens or the nomination of overseers or surveyors of highways, which, according to law, ought to have taken place annually. Under this government by a little knot of the "principal inhabitants," trusted by the local magistracy, enjoying the confidence of their neighbors and enforcing the consent of their dependents, the legal constitution of the vestry became, in fact, of no account. The complicated and wholly anomalous relations which the law prescribed between the incumbent and the people's churchwarden, between the overseers, the local justices of the peace and the ratepayers' meeting, between the constable or the surveyors of highways and the individual parishioner, produced no friction and created no disorder. Parish vestries of this type, however deficient in knowledge and incompetent in execution, had at least two great merits: they afforded permanent and honest organs of administration, and they expressed the effective public opinion of their little communities.

III.

So far we have been dealing with old inhabited parishes, stable in their social and economic relationships, and only slowly increasing in population. But by the end of the eighteenth century there had sprung up another England, presenting new conditions and aggravated problems of local government. Round about the City of London, in the unincorporated mining and manufacturing districts of the northern and midland counties or even within the boundaries of ancient municipalities, the new industry and the growth of foreign trade

were bringing great aggregations of population into old parishes. Here the economic and social relations by which alone, as we have seen, the component parts of the vestry organization were held together, either had never existed or were in progress of rapid disintegration. The powerful ties of landlord and tenant or employer and wage earner, the strong but intangible link of family relationship or inherited social status, uniting the squire with the clergyman and the country solicitor, the farmer with the handicraftsman and the laborer, and all these with one another, no longer strengthened and supplemented the bare legal relation between the justice of the peace and the overseer, the incumbent and the people's churchwarden, the parish officers and the parish ratepayers. Deprived of this extraneous cement, the slight constitutional framework of the vestry organization, dependent on a complicated and unknown body of law and local custom, fell hopelessly into confusion. The inhabitants of the new urban districts were unknown to one another; many, as newcomers, were uninterested in the local affairs and unacquainted with the local customs. The meeting of the "inhabitants in vestry assembled," the base of the parish organization, either was unattended and disused or occasionally was thronged by an excited mob of persons (who might or might not be actual ratepayers), angry at a new rate or whipped up by some personal interest. The clergyman of the parish, the official chairman of the vestry, was frequently an absentee who had no other secular or religious connection with his parishioners than the delegated exaction of his annual tithes and dues. The nearest justice of the peace, whose coöperation was the corner stone of parish government, — without whose signature no overseer could be appointed, no accounts passed and no rate collected, — might be a county magnate, living far away from the new urban district; or, what was worse, he might be an unscrupulous man of inferior origin who had, for personal ends, intrigued himself into the commission of the peace. The actual time, place and method of appointment of the parish officers, notably the overseers, the constables and the surveyors of highways, were, so far as the

great bulk of the inhabitants were concerned, shrouded in mystery. These officers might nominate each other and get themselves appointed by a complacent justice of the peace; or, on the other hand, respectable householders might find themselves compelled to undertake the onerous duty against their will, by the mere fact of their names having been presented by their predecessors to petty sessions or (in the case of the constable) to a surviving court-leet. If we add to this confusion the consideration that it was exactly in these new urban districts that the public business of the parish was becoming every day more onerous, that the mass of pauperism was increasing by leaps and bounds, that new buildings by the thousand were springing up on all sides, that paving, cleansing, lighting and watching were all unknown, that the crowding together of tens of thousands of poverty-stricken persons was creating unspeakable nuisances, and that at the same time the amount of the rates levied on the inhabitants was quickly doubling and trebling,—we shall easily understand why, in one parish after another, the situation became intolerable.

In the almost infinite variety of parish government that ensued, we may distinguish three principal stages or types. We have first a state of indescribable chaos and disorder, when the control of the parish was “anybody’s game.” An ambitious overseer or unscrupulous justice of the peace might become a corrupt “boss,” in the American sense. Elsewhere the parish officials formed a narrow clique, electing and reelecting one another to offices which they knew how to make both personally profitable and independent of control. The vestry meeting often became the battlefield of rival factions, Radical ratepayers electing nonconformist churchwardens to spite the clergyman, and Tory justices of the peace or stewards of the manor ignoring the vestry nominations and appointing overseers, surveyors and constables of their own faction. This state of things continued in some parishes, notably Manchester and Leeds, right down to the local-government revolution of 1834–35. More frequently, however, we find this stage of

conflict and chaos terminated by a usurpation. In some urban districts, where the court-leet had disappeared and the justices of the peace were acquiescent or indifferent, an energetic knot of ratepayers would reorganize the parish government in such a manner as to place the whole administration effectively under democratic control. We see the vestry developing a representative governing body, acting through duly subordinate salaried officials, and genuinely responsible to the inhabitants at large, assembled in periodical public meetings. This extra-legal system of representative government was embodied in 1819 in a celebrated statute, and thereafter became the legal constitution of many urban vestries. Elsewhere the usurpation took another form. In many parishes the wealthier inhabitants succeeded in obtaining acts of Parliament, withdrawing from the open vestry the more important public services¹ and creating for their performance an amazing medley of statutory bodies — innumerable courts of guardians, governors and directors of the poor, boards of trustees or commissioners for every conceivable public service and other nondescript corporations termed select vestries. These bodies, with their illogical and apparently haphazard variety in nomenclature, constitution, function and jurisdiction, must form the subject of separate treatment. Here we have still to describe the state of chaos and disorder into which, in many urban parishes, the whole vestry organization fell; and out of which, in some of the more fortunate of them, an effective democratic constitution was spontaneously developed.

The important parish of Bethnal Green, which practically adjoins the City of London on the northeast, was already, as Francis Place observes, "the residence of an immense number of poor people," and its government for over thirty years, from 1790, presents a complete example of what has since been called the rule of a boss. From the evidence given before

¹ Sometimes it was even enacted "that no public or open vestry be held within the said parish, nor shall any powers or authorities whatsoever be exercisable by the inhabitants of said parish or any portion of them in open vestry or otherwise assembled."

various select committees of the House of Commons and from other sources we get a vivid picture of the career of one Merceron, who ruled the parish from about 1790 to 1823. In what capacity he began does not appear, but we find him at the end of the century acting as permanent treasurer of the parish funds, supported by the mob which, at his command, swamped every vestry meeting. The rector of the parish described how he had seen this boss, in order to prevent investigation of his accounts,

instigate his creatures to riot and clamour, even within the walls of the church: he has taken his stand on the church steps and proposed three times three huzzas, taking his hat off, and being foremost in the shout: so successful was he on that occasion that lately he has adjourned all public vestry meetings to the churchyard, where the mob has collected to support him.

He takes care [pathetically continues the rector] to elect the most ignorant and the lowest characters, on whom he can depend to fill all parochial offices and to audit his accounts: when I say elect, I mean that his influence is so extensive in the parish that whoever he nominates, the vestry is sure to sanction and approve.

This control, as complete as that of Tammany in New York City, was fortified by his being in the commission of the peace. As justice he was able to get complacent overseers appointed, whose accounts—virtually of his own expenditure—he did not scruple to pass. By his influence among the other justices he secured the grant of public-house licenses to his supporters, as well as the power of doing other favors to his friends and of making himself disagreeable to any who crossed his path. He did not stick at altering the rate book with his own hand, after the assessment had been formally made, with the effect of reducing the sums payable by his supporters, and doubling or trebling those charged upon his enemies. As the only magistrate resident in the parish, what he allowed was law, and we gain a glimpse of his methods of obtaining popularity in his permitting the popular sport of bullock hunting in the streets, even on Sunday morning, despite the protests of the rector and the respectable inhabitants. His first great

opportunity came in the distress of 1800, when Parliament voted a grant in relief of the suffering poor. For the parish of Bethnal Green, this amounted to no less than £12,000, the whole of which passed through his hands. In one way and another he amassed a large fortune, which he invested in public houses and cottage property within the parish, thus adding the power of landlord to that of magistrate and parish officer. As in a modern American city, it was found impossible to dethrone this boss, even after publication of his iniquities, by anything short of a fundamental change in the constitution. In 1823 an act of Parliament abolished the old vestry and put its powers in the hands of about a hundred of the wealthier inhabitants.

In other urban districts the disorganization of the parish government arose in the main from two separate causes: (1) the difficulty of getting trustworthy persons to fulfill the unpaid offices of overseer, constable and surveyor of highways; and (2) the divided authority exercised over these parish officers by the justices of the peace and the court-leet on the one hand, and by "the meeting of the inhabitants in vestry assembled" on the other. In the larger parishes, with tens of thousands of inhabitants, it became simply impossible to get any decent person to serve as overseer. In the new towns of Lancashire and the midlands the churchwardens took upon themselves to nominate, or the justices to appoint, a "standing" or "stationary" overseer, who served year after year at a fixed salary, which was "allowed" in his accounts, and thus paid from the poor rate. Meanwhile the same difficulty was met in finding persons to serve as constables, and the court-leet was obliged to recognize the performance of the duties by a deputy, who undertook the tiresome business of apprehending criminals, putting down nuisances, passing on vagrants and even locking up in his own home or the "cage" offenders taken in the act, pending their prosecution. But the court-leet had no means of providing a salary and, when the customary constable's fees proved insufficient to pay this deputy, would often agree with the justices to accept the

standing overseer as deputy constable. This had the effect of concentrating in the hands of a single ignorant official practically autocratic power over the liberty and comfort of the poor and the purses of the wealthier ratepayers. As deputy constable he was, to an undefined extent, subject to the orders of the borough reeve and constables; as standing overseer, he had to get his accounts eventually signed by any two justices of the peace; as collector of rates, he had to secure some sort of coöperation from the churchwardens. If these authorities were either indifferent or corruptly complacent, or even at loggerheads with each other, the paid official was uncontrolled. In the background there was, indeed, the meeting of inhabitants at the parish church; but in the new and growing districts the vestry meeting was seldom well attended, and whether it had any legal power over the deputy constable or standing overseer was always a matter of doubt.

It is easy to imagine the scandals that ensued. Those who explore pamphlets and newspapers of the years between 1800 and 1832 will find instances, at one time or another, in very many populous parishes. The story, though varied in detail, presents always the same leading features. One of the most important cases was fortunately described in vivid but superabundant detail by an indignant reformer, whose pamphlets have been preserved.

In the great parish of Manchester, which in 1801 included 76,788 inhabitants, the governing authorities during the latter part of the eighteenth century were (1) a borough reeve and two constables, appointed annually in October at the court of the manor, and (2) the churchwardens, elected every Easter by the inhabitants assembled at the Collegiate Church. Service in these offices was, as usual, compulsory and unpaid, but the work of police and poor relief — not to say also scavenging and otherwise governing what had become the third city of the kingdom — had far outgrown the capacity of honorary officers. It had therefore become customary for the borough reeve and constables to appoint a deputy constable, who had to be provided with a salary. The churchwardens had also found paid

assistance necessary and had obtained sanction, in 1790, for the appointment by the justices of additional overseers, with salaries payable from the poor rate. Hence we find, at any rate from 1790 onwards, the justices appointing as an "additional overseer" every official for whom it was necessary to provide a salary, from the deputy constable down to the town scavenger. This resulted in a confused entanglement of powers and functions which it is now quite impossible to unravel. How far separate accounts were kept and what authority the vestry meeting was supposed to have over them, are unknown to us, but we read incidentally of the "deputy constable's accounts" being cursorily read over at the Collegiate Church "quarterly, without permission of an inspection afterwards." More important than this quarterly meeting of inhabitants was perhaps "the veal pie feast, held monthly at the Bull's Head," when

on . . . the first Sunday in every month, all parties in office, churchwardens, overseers, constables, town and country sidesmen [*i.e.*, overseers of the out-townships] &c., a jolly clan, join at this pious banquet. The churchwardens, who ought to be watchful over the honesty of the [salaried] overseers, become so familiar with each other when once fortified with this divine liquor, that all babbling and tale-telling tongues are hushed.

Under this system of local government the rates had "increased since the year 1790, from eight thousand to upwards of twenty thousand pounds per annum" four or five years later. In 1794 the churchwardens and overseers had to make within a few months two successive rates, each of five shillings in the pound. This seems to have brought about a crisis. Charges appeared in the newspapers accusing the deputy constable and principal standing overseer of "ignorance, mismanagement, speculation and breach of trust." The borough reeve and constables at last called a public meeting, which elected a committee of twelve to inquire into the conduct of the officer impugned. A prolonged investigation ensued, in the course of which some, at any rate, of the charges were fully substantiated. Although £300 or £400 a week were passing through the hands of a single officer at £150 a year, no cashbook, journal or ledger

was kept, and the only accounts were a series of rough memoranda on odd sheets of note paper. No receipts or other vouchers were produced. There was no check on the collection of the parish revenue. Many houses were not assessed to the rates at all; many others were assessed only for insignificant sums; and of those assessed, many hundreds of rates were never collected. There was absolutely no audit of the sums received, many of which were alleged not to have been accounted for. The expenditure was equally uncontrolled. "Clothing and goods have been indiscriminately given to almost every person who made application . . . Near three thousand pairs of shoes [were] given from the workhouse last year." Enormous sums were professedly paid away in outdoor relief and expenses of removals.

But the deputy constable rose to higher flights than mere peculation. The duty of billeting soldiers upon the innkeepers of the township was turned into a lucrative source of private revenue. In order to be favored in the distribution of billets, each innkeeper was induced to make a series of presents to the all-powerful parish official. Thieves and the persons from whom they had stolen were alike laid under contribution, all stolen property being impounded, and in many cases converted to private uses. Even the duty of paying the paupers was made to yield its toll of profit. A clergyman and magistrate testified that the deputy constable had bought for £40 £100 worth of "base and counterfeit copper" coin with which, as overseer, to pay the outdoor poor their weekly allowance. His crowning iniquity, at least in the eyes of the respectable inhabitants, was his conversion of the revenue derived from bastardy cases into an all-pervading system of blackmail. The former overseer had, in 1786-87, been regularly collecting and accounting for weekly payments from 614 fathers of illegitimate children. The "Red Basil Book," in which the names and addresses of these fathers were recorded, was promptly lost by the deputy constable, and there was no "regular register of illegitimacy kept from the year 1787 to the year 1790, nor any sum received on this account. If the

public are credulous enough to believe that all the children belonging to 614 fathers, or all the children born since the year 1787, died before the year 1790," this absence of bastardy revenue might be accepted ; but unfortunately it was proved that the deputy constable had, as overseer, been terrifying erring or duped citizens into paying considerable sums for rate-supported children of whom they were alleged to be the fathers.

How long it was before the township of Manchester was able to rid itself of this Napoleon of parish officers, we are not able to ascertain. We gather that the court-leet, after hearing the evidence, found him guilty, but the new borough reeve and constables reinstated him for at least one further year, in spite of indignation meetings of the inhabitants.

Meanwhile the principal inhabitants had, by a local act of 1792, secured the establishment of a body of commissioners, entirely distinct from the parish and township organization, to deal with the scavenging, lighting and watching of the town. The churchwardens, too, had succeeded in 1790 in getting a local act for building a new workhouse, which incidentally withdrew from vestry control the management of the workhouse and apparently all the expenditure on poor relief. There remained to the public meeting of inhabitants the annual election of the churchwardens, the nomination to the justices of persons eligible to serve as surveyors of highways, the grant of the church rate, and the passing of the accounts of the churchwardens for church expenditure and those of the constables for the apprehension of criminals. But though between 1795 and 1818 there were occasional complaints, especially of the secrecy of the officers' proceedings, the meetings of the vestry were apparently quite perfunctory and not attended by the public.

In 1818 (the year before the so-called "Peterloo Massacre") we enter a period of excited democracy. In 1819 the Radicals obtained from the King's Bench a mandamus against the churchwardens requiring them, in their capacity as overseers, to lay the constables' accounts before a public vestry. This took the

form of a crowded meeting in the Collegiate Church (now Cathedral) at 11.30 A.M., at which the Radical forces had been gathered by a public handbill. The items mainly objected to consisted of the cost of the printing of the circulars by which the constables had called a private meeting of municipal inhabitants to pass votes of thanks to the magistrates, military officers and the borough reeve for their conduct on the field of Peterloo. The constable defended his action in thus summoning only the principal inhabitants, on the ground that in a city of a hundred thousand it was impossible to apply the methods suitable for a small town and invariably to call public meetings. Such scenes reached a climax during the exciting years of 1830-35. When the churchwardens and constables appeared in the old Collegiate Church to pass their accounts, they would have to face a howling mob of several thousand persons, who filled the whole building, perched themselves on every coign of vantage, and vigorously applauded the speeches of their champions. During the three years 1831-33, an open vestry meeting was held in Manchester for one purpose or another nearly every quarter, and at every meeting such Radical leaders as John Edward Taylor, the brothers Thomas, John and Richard Potter and Archibald Prentice would make a strenuous fight to elect their own churchwardens and surveyors of highways, to cut down the salary of the deputy constable, to disallow payments made for special constables or partizan handbills, and (in 1833) to resist the imposition of any church rate whatsoever.

By this time the turbulence and incapacity of these vestry meetings had seriously discredited the whole system of government by the ratepayers themselves. The following description, by a Tory newspaper, of the vestry meeting which in 1835 rejected the church rate, may possibly somewhat exaggerate the irreverence of the mob, but it well expresses the deep disgust felt by the governing classes.

Excluding Mr. Hadfield, Mr. Potter, Dr. Johns, and a few other gentlemen thinly scattered among the mob, the meeting was made up of the lowest scum of the town, the most riotous, disorderly, ill-clad, ill-assorted and uncivilised portion of the population, who had

no capacity to understand the question at issue, who violated all the ordinary rules of decency, and desecrated in a disgusting manner the Church in which it was necessary to hold the meeting. The scene had literally all the features of a bear-garden. From one to two thousand persons, for the most part unwashed, unshaven and in rags, had taken possession of all the pews in the Church before the proceedings commenced, most of them having their hats on, and the majority standing upon the seats or the backs of the pews ; subsequently crowds of these people made their way into the gallery, clambering from seat to seat, and covering with filth the seats and cushions on which they trod.

The great Whig organ, the *Manchester Guardian*, was scarcely less outspoken with regard to a vestry meeting of 1832. It declared that its report utterly failed

in conveying anything like an adequate impression of the disgusting character of the proceedings, . . . of the degree of reckless violence, unabashable impudence and Billingsgate scurrility. . . . We expect that one of the early acts of a reformed Parliament will be to put an end altogether to the necessity of meetings like that of Wednesday. It is utterly preposterous that thirty thousand people (even if the meetings were really confined to leypayers, which notoriously they are not) should be called together for the transaction of parish business. Such assemblies neither have nor can have a deliberative character. They are by their very constitution utterly incapable of the calm and dispassionate consideration of any disputed public question in its various aspects. And we hold it to be utterly impossible that, in the intended municipal constitutions to be given to the new boroughs, the superseding of these ancient forms, which however suited to the small towns and sluggish habits of bygone days, are worse than useless among our immense masses of population at the present time, should not form one of the most prominent objects. The representative system must be introduced for the regulation of those expenditures connected with the poor rates, which now come before promiscuous meetings of the leypayers, as well as with those of the other local taxes.

SIDNEY and BEATRICE WEBB.

LONDON, ENGLAND.

(*To be continued.*)